

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 15552 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

PATEL DINESHKUMAR NATHALAL

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 15552 of 2003
MR ASIT B JOSHI for Petitioner No. 1
MR RF CHAUHAN for Respondent No. 1
MS PJ DAVAWALA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 05/11/2004

ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties. At the request of learned counsel for the

parties, the petition is finally heard today.

2. The grievance of the petitioner is that he has applied for passport before the respondent-authority but the respondent authority refused to accept the application on the ground that the date of birth mentioned in the school leaving certificate is incorrect. According to the petitioner in the school leaving certificate, due to inadvertent mistake, his date of birth is mentioned as 01.06.1952 instead of 01.06.1954 which is his correct date of birth as mentioned in Certificate issued by the Executive Magistrate, Vijapur at annexure-A to the petition. The petitioner has further stated that her correct date of birth is 01.06.1954 which is mentioned in the Certificate issued by the Executive Magistrate and the same is required to be accepted by the respondent authority. She further submitted that it is only because of inadvertent mistake, the said date has been wrongly mentioned in the School Leaving Certificate.

3. In view of the averments made in the petition, I am of the opinion that the Certificate issued by the Executive Magistrate can be considered as proof of the date of birth and, therefore, there should not be any difficulty in accepting the application of the petitioner. Moreover, the respondent authority can also accept and consider other relevant evidence, if any, in support of proof of his date of birth which may be supplied by the petitioner along with the application for passport.

4. Considering the submissions made on behalf of the parties, I dispose of this petition by directing the passport authority to accept the application of the petitioner along with the relevant documents and to consider the application for issuance of passport in accordance with law.

5. As the respondent authority had to appear in the matter because of the mistake occurred on the part of the petitioner at the relevant point of time, a sum of Rs. 5,000/- is ordered to be paid by the petitioner to the respondent authority by way of costs.

6. With the above observations and directions, the petition stands disposed of. Rule is made absolute to the above extent. Direct Service is permitted.

/phalguni/